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By BRYCE NELSON

In the State Police assault on Attica on the morning of Sept. 13, 1971, police bullets killed 10 guard hostages and 29 inmates. Except for the 19th-century Indian massacres, it was the "bloodiest encounter between Americans since the Civil War," said a report by the New York State Special Commission on Attica.

These three books on Attica help explain why Gov. Nelson A. Rockefeller called the killings "justifiable homicide." Many citizens still believe that the attack was primarily an attempt to save the guards held hostage and was prompted by the sight of the inmate knives held at hostages' throats. But these books show that the assault would have been made in any case, that the Governor and his Corrections Commissioner, Russell G. Oswald, were much more concerned to crush "revolution" than to preserve the lives of the hostages or inmates. Once Governor Rockefeller and his subordinates decided that the rebellion was no longer tolerable, the Commission concludes, "the lives of the hostages were expendable."

The excellent McKay report (so named after Robert B. McKay, dean of New York University Law School and chairman of the Special Commission), which documents many of the errors of state officials, appeared with great publicity three months ago. Like most commission reports on our social condition, the ripples from that report were soon spent. The officials of New York State dealt with the Commission's criticisms by ignoring them.

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## Attica

The Official Report of  
The New York State Commission  
On Attica.

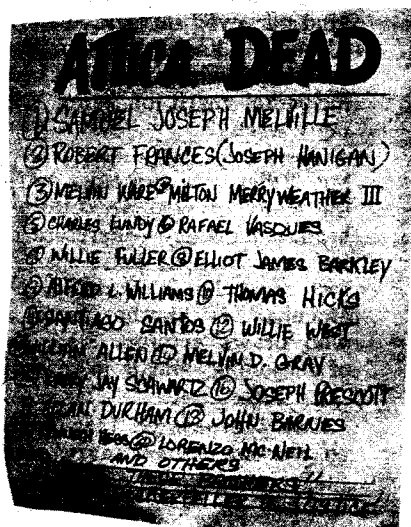
Photographs. 533 pp. New York:  
Praeger Publishers. Cloth, \$12.50.  
Bantam. Paper, \$2.25.

## Attica— My Story

By Russell G. Oswald.  
Edited by Rodney Campbell.  
418 pp. New York:  
Doubleday & Co. \$7.95.

## A Bill of No Rights

Attica and the  
American Prison System.  
By Herman Badillo and  
Milton Haynes.  
190 pp. New York:  
Outerbridge & Lazard. \$6.95.



According to the McKay report, the key figure of the Attica drama was Governor Rockefeller, the man who refused to be there. The Governor influenced and approved by telephone the key actions taken by his subordinates, who included Oswald and the State Police commanders. The Governor's personal aides were not violated. We have no book of Rockefeller's thoughts about those decisions, and the chances seem small that we will get one. For the present, we will have to rely on the message conveyed by Rockefeller's decisions at Attica, and his public words in the days immediately before and after the massacre, along with the account of his Corrections Commissioner.

Commissioner Oswald's "Attica—My Story" confirms the tone and content of Governor Rockefeller's public statements. The book does much to clarify why Rockefeller could tell Oswald 11 days after the attack: "Of course, there was more at stake even than saving lives. There was the whole rule of law to consider. The whole fabric of our society, in fact."

For Oswald, to have allowed the Attica rebels some success would mean that the whole country might have fallen to revolution: "The disinherited and the villainous, the alienated and the pawns, the flotsam and jetsam of society, and a new generation of revolutionary leaders focused on the prisons as their point of leverage. Here was where the Establishment could be made to buckle." Attica was as much of a test of our national honor as is Vietnam. Oswald calls the takeover of Attica "the swiftest and most skillful revolutionary offensive since the 1968 Tet attack in South Vietnam." For Oswald, the national and international reputation of the Ameri-

can Establishment was at stake. During the negotiations, this vision bedeviled him: "Now it is complete amnesty — all the rebels rejoicing in the collapse of the law; there go the leaders, striding out of Attica, clenched fists held high, on their way to the plane to Algiers. How to make the United States look utterly weak and foolish in the eyes of the rest of the world. How to spread the word that violent radicalism is sure to succeed . . . and only a few hundred well-trained convict cadres can make the country crawl."

Oswald asserts that the Attica uprising was a planned revolutionary act (without citing real evidence—his accounts differ with the McKay Commission's better documented version on many points). The Commission report concludes that "the uprising began as a spontaneous burst of violent anger and was not planned or organized in advance," and it makes its case plausible with a long, horrifying description of the squalid conditions at Attica, and by its detailed account of the events of the days that preceded the police assault. The Commission lists several factors — a faulty gate weld which broke when the prisoners pushed, an insufficient number of guards, an inadequate internal-communication system and an absence of riot plans and riot-control equipment — that account for the ease with which the prison was captured.

If the Governor and the Commissioner had regarded the Attica revolt as a largely spontaneous response of men angry about their wretched lives, rather than as the harbinger of national revolution, they would have dealt with it differently. They might have warned the inmates that their refusal to release the hostages would result in gunfire being used against them. The inmates were not given such (Continued on Page 18)

have to hear in person from the relative of Correction Officer Carl Valone, who told Joseph Lellyveld of The New York Times, "We feel that Carl was killed not by the prisoners but by a bullet that had the name Rockefeller on it."

The Governor does not have to meet socially with the family of Sgt. Edward Cunningham to answer why he failed to heed Commissioner Oswald's request to come to Attica: "He should come. His refusal to come here is a monstrosity because what he is saying is, 'Kill these men, I have no concern!' " The day after that television interview, Cunningham, who had a wife and two children, was killed during the assault when a police bullet cut his cervical spinal cord. He was one of those limited individuals who did not have the vision to realize that even when human lives are involved, in Rockefeller's words, "we have to look at those things not only in terms of the immediate, but in terms of the larger implications of what we are doing in our society."

The Governor does not socialize with the Valones and Cunninghams of western New York State. He is a power who received a congratulatory call after Attica from President Nixon, a "Well-done" from the Commander-in-Chief of our forces in Vietnam to the Commander-in-Chief of Attica. He is a celebrity who can assure himself of his clean conscience when accepting the Humanitarian Award of the Year at a \$150 a-ticket dinner at the New York Hilton.

Governor Rockefeller may well be right that the situation could not have been basically changed if he had met with inmates, or even taken the smaller step of meeting with the Committee of Observers, as that group urged. But if he had bestirred his patrician presence from the quiet of Pocantico Hills to the seething Attica, he could have been a man well-rested enough to view the situation with a clarity that his tired subordinates did not. He would have had the power to remedy some of the incredible deficiencies detailed in the McKay Commission report.

If Governor Rockefeller had come to Attica, he might have heard some of the comments made by State Police about "When are we going coon hunting?" He might have heard some of the shouts of "kill the niggers" which we heard on the streets of Attica on the night before the assault. He might have seen that his police were tired and testy. He might have realized that there was no overall commander of the assault, and that the police had not been given clear instructions about when to fire and no instructions about when to stop firing. He might have sensed that insufficient consideration had been given to the use of non-lethal weapons for the assault — of gas, water, stun-guns, or clubs — and that the weapons used by many of the troopers — shotguns loaded with double-ought buckshot — were far too imprecise and damaging for the purpose. An alert administrator could have

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a warning; it might well have made a difference.

Oswald does not seem fully to comprehend why some criticize him for participating in the decision to fire. He seems to be saying, I came from a humble Wisconsin background, but I became "Racine's wonder boy"; I was an Eagle Scout and worked my way through school; I have always been duly thankful for the gifts and promotions the Establishment has bestowed on me; I've worked for the state all my life and haven't made much money at it; I'm a family man, a liberal, an idealistic man, an administrator who has spoken for prison reform. Why then, at the end of my career, do I deserve to be accused of murder?

Oswald's conviction of his own virtue may have played a part in his failure to face the many fatalities that the state would cause at Attica. A man less convinced of his own reputation for rectitude might have thought more about how to minimize the force used in the assault.

At Attica, Oswald's eyes often betrayed a frightened and haunted man, a man who, like the rest of us, has been placed in a situation whose horrifying enormity dwarfed our ability to decide and to understand. Tom Wicker was right when he said in a meeting with the Observer Committee on the night before the attack that "Few of us in this room will ever have to go through what

Commissioner Oswald is going through." Few honest persons would have volunteered to substitute for Oswald at Attica.

Whatever Oswald's deficiencies at Attica, he seems a man more deserving of respect and pity than does his superior who called the shots. However "naive" Oswald may have been, it was he who had the courage to risk his life by going into rebel-held "D Yard" to negotiate. It was Oswald who endured the burden of sleepless nights and the obscenities and threats of prison guards and inmates. It was Oswald who knew that he dared not attend the funerals of those correction officers killed by police bullets.

Oswald urged Rockefeller to come to Attica. He now writes that he did not believe the Governor's presence would have accomplished anything. Oswald asked him to come because of "my deep concern for his public image. . . . I was concerned about the Governor's reputation as a humanitarian." This philanthropic humanitarian knew that much blood would be spilled when his forces assaulted the hostages and inmates, but he also seems to have been aware that his hands would seem less bloody if he was not on the scene.

To those who govern New York, guards and inmates must seem to come from the same general order of men — the unrich, the undereducated, the possessors of little political power. To such politicians, the lives of such poorly-connected men probably do not matter much. The Governor does not

made sure that emotionally involved correctional officers did not participate in the assault. He might have also sensed that the rain and the tension might break up the insurrection before an armed attack, especially if it had been coupled with cutting off the food and water to the inmates.

But even if all these facts and ideas had escaped the Governor during his visit, certainly he would have had the wisdom to see that preparations had not been made for medical care. It is apparent that one of the reasons officials seemed so satisfied with the assault is that they had expected the casualties to be much higher than the 39 killed and more than 80 wounded during the 15 minutes of gunfire. Yet, despite these grim anticipations, "no one thought about medical care of inmates until it was too late," according to the McKay Commission report.

The Commission's detail on the lack of medical preparation strains the senses. Only two doctors, and a total of only 10 medical personnel were inside Attica at the time of the assault. There were no surgeons, medics, or experienced litter bearers on hand; there were no anesthesiologists or anesthesia, no blood bank or blood plasma, no lab or technicians for sampling blood types. The wounded inmates were kept in the prison long after the assault, and surgery on the inmates did not begin until 2 P.M., four hours after the attack had ended. In his book, Commissioner Oswald does not bother to mention the lack of medical care.

While the brutality displayed toward inmates on Sept. 13 was massive, it would be a great mistake to assume that all inmates had acted in an innocent manner. On the day of the assault prison officials said that the dead hostages had died of slit throats, a falsehood which much of the press reported without sufficient attribution. Although no hostages died of slit throats, two hostages were wounded by having their throats cut by inmates during the assault. Several other guards were cut and beaten by inmates during the assault, as well as on the day of the take-over. Officer William Quinn died from a barbarous beating suffered during the uprising.

Furthermore, D Yard was hardly the scene of racial unity that some of the observers asserted it to be. Three inmates were murdered in cold blood by other inmates during the occupation. Other white inmates were threatened with death. Although Oswald tried to picture D Yard as a scene of unified militancy, the McKay Commission interviews indicated

that many inmates really did not want to be in D Yard but feared being killed by other prisoners if they tried to leave.

The real racial hostilities at Attica — between guards and prisoners and among the inmates — were facts that several parties tried to minimize. "In no way . . . was Attica a white massacre of blacks," Oswald argues, stating that 20 black prisoners were killed along with 12 whites; those 12 included 4 Puerto Ricans. It may be more accurate to call Attica a massacre of all races, but it should be remembered that the State Policemen, every single one white, were reminded that all the hostages were white before they began their attack. Congressman Herman Badillo and Milton Haynes conclude in their book, "A Bill of No Rights" that "any black skin was enemy skin" that day and bluntly say that the assault represented "official murder."

the inmates' display of the bound hostages "can be understood only as an act of bravado intended to deter the authorities from commencing the assault. The belief persisted among the inmates that the authorities would hesitate to risk the lives of their own men."

The inmates made a foolish misjudgment of character when they thought that Governor Rockefeller and his subordinates cared more about correctional officers than they did about exterminating a supposed challenge to the political order. Behind prison walls, as in Vietnam, our political leaders are determined to preserve the state's reputation for toughness without worrying much about human lives. ■

When those white State Policemen filed out of the front gate at Attica hours after the assault, they seemed tired but not at all troubled. Some looked around as if they could not understand why they were not being applauded as they emerged. That night, much alcoholic revelry characterized their celebration of "victory" at their motels in nearby Batavia. No sorrow was apparent; it was more like carnival. As some officers said in their exultation — it was the triumph of "white power."

It would be encouraging if many readers thought it important to learn what took place at Attica and what is happening in prisons across the country. But all too few of us want to be further informed of the racial hatreds that are tearing this society apart, and few want to be reminded of what we do to prisoners of all races. But these inmates, further embittered by our prisons, all too often return to commit even more violent crimes against those who have ignored them.

The McKay Commission wonders if its work will have any effect: "The question we ask ourselves is whether what we say will be taken seriously or simply regarded as a problem that others should solve. The difficulty with that comfortable view is that there are no others. We are they."

Few of us have tried to understand what happens to prisoners and, at Attica, the prisoners failed to assess accurately the mentality of those who imprisoned them. In the minutes before the police attack at Attica, several inmates brought eight guard hostages onto the catwalks and placed knives to their throats. The McKay Commission concluded that